

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

BRIAN HOWARD ELLIOTT,

Petitioner,

v.

ELDON VAIL and WASHINGTON STATE
DEPARTMENT OF CORRECTIONS,

Respondents.

No. C11-5377 BHS/KLS

ORDER FOR ADDITIONAL BRIEFING

This case was re-referred to United States Magistrate Karen L. Strombom. ECF No. 44. Pursuant to the District Court's Order, claim two, the first part of claim five (the trial court failed to properly consider the reliability and validity of the MGQT polygraph), and claim nine of the habeas petition shall be considered on the merits. Accordingly, the parties shall submit briefing on these issues only.

Accordingly, it is **ORDERED** as follows:

1. Respondent shall file and serve his brief on the claims listed above **on or before September 17, 2012.**

2. Upon receipt of Respondents' brief, the Clerk will note the matter for consideration on the fourth Friday after the brief is filed. Petitioner may file and serve a response to Respondents' brief not later than on the Monday immediately preceding the Friday

1 appointed for consideration of the matter, and Respondents may file and serve a reply brief not
2 later than the Friday designated for consideration of the matter.

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4 **DATED** this 3rd day of August, 2012.

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7 Karen L. Strombom
8 United States Magistrate Judge
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